

LABOUR DEPARTMENT

The 15th April, 1980

No. 11(112)-80-3Lab/5600.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Ram Sarup Dhani Ram, 6-Industrial Area NIT, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD
Reference No. 476 of 1978

between

SHRI MANSA RAM WORKMAN AND
THE MANAGEMENT OF M /s. RAM
SARUP DHANI RAM, 6 INDUSTRIAL
AREA NIT FARIDABAD.

Present:

Shri P. K. De, for the workman.

Shri B. R. Grover, for the management.

AWARD

1. By order No. ID/FD/262/76/47616, dated 20th October, 1978 the Governor of Haryana referred the following dispute between the management of M/s. Ram Sarup Dhani Ram 6 Industrial Area NIT Faridabad and its workman Shri Mansa Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the retrenchment of Shri Mansa Ram was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 6th March, 1979:—

1. Whether the retrenchment of the workman was justified and in order?
2. Relief.

And the case was fixed for the evidence of the management. The management examined Shri Dhani Ram the owner as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself and closed his case. Then the case was fixed for arguments. Arguments have been heard.

3. It would be worthwhile to mention that negotiations for settlement had started at the stage of arguments of the case but the settlement did not materialise. I, now decide issuewise:—

ISSUE NO 1:

MW-1 has proved the justifiability of the retrenchment. There was lay off on 11th October, 1975 and lay off resorted to by the management three times,—vide Exhibit M-1 to M-3. The management had no work in the factory. After lay off for 1½ months the management could not secure any workman. Therefore, they closed the section in which the workman was working. Three workman were retrenched. The retrenchment compensation as per law was offered to the workman concerned and was sent to all retrenched workmen,—vide Exhibit M-4. Retrenchment notice was also issued,—vide Exhibit M-5. The seniority list was also displayed,—vide Exhibit M-6. He also stated that the work never started in this section. The retrenchment compensation as per law was sent to the workman by a bank draft which he had received. In that section at that time three workmen were working, all were retrenched. In cross examination he stated that that section had not been started at any other place. The work of manufacturing dori and Kiran was going on. It was not possible to employ these workmen in the manufacturing Dori and Kiran. Nor these workmen could do that work. The workman stated that he was retrenched and no other Mistry was retrenched. They were in the service of the management. He admitted that all the three were retrenched at one time including the workman and all the three were working in the same section. He admitted the receipt of the bank draft of his

dues. The management has also proved documents. I have gone through all the evidence on the file, oral as well as documentary of the parties. As a consideration thereof, I decide issue No. 1 in favour of the management.

ISSUE NO. 2:

The workman is not entitled to any relief.

4. While answering the reference, I give my award that the retrenchment of the workman of Shri Mansa Ram was justified and in order. He is not entitled to any relief.

The 3rd April, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 305, dated the 7th April, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-80-3Lab/5602.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/S. Dalmia Dadri Cement Ltd. Charkhi Dadri.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD.
Reference No. 35 of 1972
between
THE WORKMAN AND THE
MANAGEMENT OF M/S. DALMIA
DADRI CEMENT Ltd.,
CHARKHI DADRI.

Present:

Shri Bhim Sain/Shri Hari Singh, for the workman.

Shri S. N. Bhandari, for the management.

AWARD

1. By order No. ID/HSR/1-C-72/17564-68, dated 10th May, 1972, the Governor of Haryana referred the following dispute between the management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether the categories grades and designations of the workmen as in Annexure A should be changed and revised as shown against their names? If so, without details and from which date?
- (2) Whether the workmen who are required to perform their duties far away from factory by using their own cycles are entitled to any cycle allowance? If so, without details and from which date?
- (3) Whether the workmen mentioned in Annexure 'B' should be provided uniforms? If so, with what details and from which date?
- (4) Whether the workmen of the different departments of the factory as mentioned in annexure 'C' should be given dust allowance? If so, with what details and from which date?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed on 9th August, 1972 as per order of reference and the case was fixed for the evidence of the workmen. The workmen examined S/Shri Rishi Dev as WW-1, Raghbir Singh as WW-2, Kundan as WW-3, Bahey Ram as WW-4, Ram Chander as WW-5, Richpaul as WW-6, on 26th August, 1973. Then the case was fixed for remaining evidence of the workmen. The workmen thereafter examined S/Shri Jagdish Chander Bhardwaj as WW-7, Raghbir Singh as WW-8, Hari Singh as WW-9 on 21st December, 1973. The case was again

adjourned for remaining evidence of the workmen. After 2-3 adjournments, the workmen again examined S/Shri Sobha Ram as WW-10, Chaju as WW-11 Jag Mal as WW-12, Ram Chander as WW-13, Megh Nath as WW-14, Raghu Ram as WW-15, Ind Raj as WW-16 on 3rd July, 1974. The case was again adjourned for remaining evidence of the workmen. The workmen again examined S/Shri Pawan Kumar as WW-17, Banwari Lal as WW-18, Ram Chander as WW-19, Bakshish Singh as WW-20, Sarjudin as WW-21, Dhan Singh as WW-22, Suraj Bhan as WW-23, Het Ram as WW-24, Mashu Ram as WW-25, Net Ram as WW-26, Hira Lal as WW-27, Raghbir as WW-28, Hazari Lal as WW-29 and S/Shri Sadhu Ram, Shiv Shankar, Balu, Mahabir and Ram Singh as WW-30 to WW-34 up to 30th August, 1974. The case was again adjourned for remaining evidence of the workman. The workman again examined S/Shri Raju, Mai Chand, Chuni Lal, Mansa Ram, Narpal Singh, Om Parkash, Arjan Singh, Nobat, Pritam Singh, Dharam Singh, Jagdish, Om Narain, Ram Parshad, Ram Singh, Chig Ram, as WW-35 to WW-49 on 11th March, 1975. The case was again adjourned for remaining evidence of the workmen. Thereafter the workmen obtained immovable adjournments but without objection from the management and have led no evidence upto now. It seems that both the parties colluded in obtaining adjournments one after the other. No party objected to the prayer for adjournment made by the other parties. The representative for the workmen Shri Bhim Sain had also gone overseas and adjournments were obtained for that reason also which were granted, as the other party had made no objection. In the meantime Cement Udyog Kamgar Sangh had also made an application for adding them as a party. The application had also been fixed for reply and arguments and for remaining evidence of the workmen. The parties had agreed that the workmen might file affidavits in their evidence and the management shall cross examine the deponent witnesses to whomsoever they liked. The workman had filed affidavits. Copies whereof were supplied to the management. The management was

directed to move the Tribunal for cross examination of any of the deponents. An application had also been filed which had been replied and that was also fixed for arguments. That application was moved by the management for amending their written statement. The workmen had also moved an application for filling the amended claim statement. Both the applications were fixed for reply and arguments. The workmen had produced their deponent witnesses for cross examination. The management stated that they would file counter affidavits in rebuttal of the affidavits filed by the workmen. The case was fixed for filing counter affidavits by the management. Amendment of the claim statement was ordered by my separate order dated 14th June, 1979 and the case was fixed for reply of the amended portion of the claim statement. The case was again adjourned 2-3 times. The workmen did not file rejoinder to the amended portion of the written statement in answer to the amended written statement in reply to the amended portion of the claim statement. The application of the management for amendment was not given and was not on the file, rather they were allowed to file that application for amendment of the written statement. From the amended claim statement, no further issues arose, as the matter had already been covered. It was ordered that the management could file counter affidavits, as previously ordered. The representative for the workmen stated that they shall examine only Shri Bhim Sain, their authorised representative and shall close their case. Therefore the case was adjourned for recording the statement of Shri Bhim Sain. Thereafter the workmen moved an application for production of documents by the management. Some documents already existed on the file. Some statements had to be prepared. Hence production of such documents was not allowed but inspection of the record in the factory premises regarding the said documents was allowed. It had been specifically ordered that no further adjournment shall be granted. On the next date of hearing the workmen again prayed for adjournment. Then last adjournment was granted to them on

the condition that they would close their case on 4th March, 1980 and in the event of their failure to adduce any evidence on 4th March, 1980, their evidence shall be deemed as having been closed.

3. On 4th March, 1980 the management did not appear. Shri J. R. Bagla appeared for the workmen but produced no evidence. I, therefore closed the case of the parties. The representative for the workmen appearing that day was asked to address arguments but he did not address any arguments. I now give my award as follows :—

4. The workmen have also proved several documents. As I have held in my award in reference No. 23 of 1972 that the Government of India had appointed Arbitrators for the Cement Industries with the consent of the parties on a national scale and the said Arbitrators have given their award. And this management has implemented that award, although went in Writ Petition also.

5. The matter was referred to this Tribunal in the year 1972. Eight years have elapsed. For the last 4-5 years, both the parties colluded in obtaining adjournments one after the other, innumerable. Moreover the National Arbitrators have now given their award and that award is binding on the parties. The said Arbitrators were appointed on a national level by consent of the parties and all the parties were represented before the said Arbitrators. This management and the unions of workmen were also party to that national arbitration agreement or reference and are governed by the said award. The said arbitration award is binding on these parties.

6. If some disputes as arising in the course of implementation of the said arbitration award or some disputes arise after implementation of the said award as a result or consequence of the implementation of the said arbitration award, through some error or otherwise, workmen shall be at liberty to raise such dispute afresh.

The 31st March, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 303, dated the 1st April, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

Annexure—A.

1. Packers in packing department be given at least grade 'C'.
2. Packing C.S. fitters be given grade 'B'.
3. Shri Baboo Lal packing fitter be given grade 'A'.
4. Shri Nissa-ud-din, Blacksmith, Mal Chand, Blacksmith, Banwari Lal, Blacksmith Carpenter Chandan Singh, Carpenter, Ravinshanker Shopperman, Harpal Singh, Turner, be placed in category 'B'.
5. Shri Harisingh welder be placed in category 'B'.
6. Shri Ram Chander Sudhewani be placed in grade 'C'.
7. Shri Hussaddi Lal, Carpenter and Jhabbarmal, Blacksmith be placed in category 'B'.
8. Shri Kapoor Singh, son of Jai Lal be designated as Fitter and be and be given grade 'D'.
9. Shri Ram Kumar, Fitter be given grade 'B'.
10. Shri Sam Kumar, son of Nandoo be designated as fitter and be given grade 'C'.
11. Shri Teja Singh Khalasi, Jamadar be designated as Khalasis Supervisor and be given proper grade accordingly.
12. Designation of Shri Kanshiram, Chhajuram and Chander Compressor Helpers be changed and they be placed in grade 'C'.
13. Shri Bhairam, Junior Ganger be placed in grade 'A'.

14. Shri Raghbir Singh be designated as Turbine driver and be placed in grade 'A'.
15. Shri Kundan, Helper be designated as fitter and be given grade 'C'.
16. Shri Kishidev Narain, fitter be placed in grade 'A'.
17. Shri Pawan Kumar and Banwari Lal time office peon be designated as Assistant Time Keeper and be given proper grade accordingly.
18. Grade of Shri Jagdish Chander, fitter be revised and he be placed in grade 'B'.

ANNEXURE-B

1. Blacksmith.
2. Turner.
3. Hammerman.
4. Hopperman.
5. Sample boy.
6. Electricians.
7. Wireman.
8. Switch Board Operators.
9. Electrician and wireman helper.
10. Granulator Attendants and helpers.
11. Packing markers.
12. Bag handlers on packing machines.
13. Weighers and cement removers packing.
14. Blowerman.
15. Light Rty. fitters.
16. Crusher Attendant and helpers.
17. Dyer Attendant and helpers.
18. Khalasis.
19. Silo Attendants.
20. Massons.
21. Cement Loaders.
22. Warm uniform to water supply attendants.
23. Superior quality warm uniform and overcoat to watching ward staff.

ANNEXURE-C

1. Packing Markers.
2. Bag handlers on packing machines.
3. Weighers and cement removers in packing department.
4. Hopperman.
5. Granulator attendant and helpers.
6. Blowerman.
7. Crane Drivers.
8. Packing cement loaders.

The 15th April, 1980

No. 11(112)-80-3 Lab/5606.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Dalmia Dadri Cement Ltd., Charkhi Dadri.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL,
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 100 of 1972

between

THE WORKMEN AND THE MANAGEMENT
OF M/S DALMIA DADRI CEMENT LTD.,
CHARKHI DADRI.

Present :

Shri Bhim Sain and Shri Hari Singh, for the workmen.

Shri S. N. Bhandari, for the management.

AWARD

1. By order No. ID/HRS/42447-53, dated 1st December, 1972, the Governor of Haryana referred the following disputes between the management of M/s Dalmia Dadri Cement Ltd., Charkhi Dadri and its workmen, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (a) The workers have demanded 20 per cent bonus of their total earning for the year 1971 and the management has agreed to pay 8.33% as interim bonus as per terms of settlement dated 19th September, 1972. In view of the above to what quantum of bonus the workmen are entitled to for the year 1971? The basis and details thereof?
- (b) Whether the workmen are entitled for wages for strike period commencing from 29th August, 1972 to 18th September, 1972 ? If so, with what details ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings of the parties, following issues were framed on 27th February, 1974 :—

- (1) Whether the workmen went on strike during conciliation proceedings ? If so, with what effect ?
- (2) The workers have demanded 20% bonus of their total earning for the year

1971 and the management has agreed to pay 8.33% as interim bonus as per terms of settlement dated 19th September, 1972, in view of the above to what quantum of bonus the workmen are entitled to for the year 1971? The basis and details thereof?

- (3) Whether the workmen are entitled for wages for strike period commencing from 29th August, 1972 to 18th September, 1973? If so, with what details?

And the case was fixed for the evidence of the management. The management examined their Joint Secretary Shri S. K. Sharma as MW-1 on 12th November, 1974 but his cross-examination could not be concluded on that day, although it started on 2nd July, 1974. Thereafter the case was adjourned several times for one or the other reasons. Clarifications were also sought, as in the meantime the factory had been closed. The workmen have filed an application for production of documents by the management which was objected to on the ground that it was not accompanied by affidavit which was ordered to be filed by the workmen. The application had been rejected by my learned predecessor in part. The workmen filed affidavit. The remaining part of the application was disposed of by my separate order dated 11th October, 1977. In the meantime Cement Udyog Kamgar Sangh also made an application for adding them as a party which was fixed for reply and arguments. Inspection of the documents was allowed to the representative for the workmen. Cement Udyog Kamgar Sangh was added as a party,—vide my order, dated the 9th December, 1977. Then Shri S. K. Sharma was called for further cross-examination which was concluded on 24th March, 1978 and the management closed their case. Thereafter, the case was fixed for the evidence of the workmen who obtained 12 adjournments but produced nil in their evidence. On 17th January, 1980, it was ordered that the workmen shall close their case on 4th March, 1980. On 4th March, 1980, none appeared for the management and Shri J. R. Bagla appeared for the workmen. But the evidence of the workmen was not present. I, therefore, closed the case of the parties. The representative for the workmen Shri J. R. Bagla was asked to address arguments who did not like to argue. I have gone through the file and evidence oral as well as documentary. The management had also produced a copy of their balance-sheet for the years 1970 and 1971. The management also

produced memorandum of article of association. I now give my award as follows :—

Dispute No. (a).—The management had agreed to pay interim bonus @ 8.33%. The workmen led no evidence in support of the demand for higher rate of bonus. There is a settlement dated 19th September, 1972, which is binding on the parties. The workmen are not entitled to higher rate of bonus than what agreed to by the management as per the said settlement. No details are necessary.

Dispute No. (b).—The workmen are not entitled to wages for the strike period commencing from 29th August, 1972 to 18th September, 1972. No details are necessary.

Dated 31st March, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 299 dated 31st March, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-80-3 Lab/5607.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Dalmia Dadri Cement Ltd., Charkhi Dadri.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Referece No. 20 of 1968

between

THE WORKMEN AND THE MANAGEMENT
OF M/S DALMIA DADRI CEMENT LTD.,
CHARKHI DADRI.

Present :

Shri Bhim Sen, Shri Hari Singh, for the workmen.

Shri S. N. Bhandari, for the management.

AWARD

1. By order No. ID/NNL/1-67/3709-13, dated 12th February, 1968, the Governor of Haryana referred the following dispute between the management of M/s Dalmia Dadri Cement Ltd., Charkhi Dadri and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. Whether workers (list enclosed) who have been working for more than six months should be made permanent? If so, with what details and from which date?
2. Whether the grades of the workers (list enclosed) should be given proper grades. If so, with what details and from which date?
3. Whether the suspension of Shri Jag Ram, F.F. man for the period from 8th March, 1967 to 11th March, 1967 was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 21st May, 1968 :—

1. Whether the reference should not be made at the instance of the Cement Udyog Karamchari Sangh and what is its effect on the reference?
2. Whether the reference with regard to item No. 1 is barred by reason of the award in reference No. 45 of 1968 and by reason of settlement dated 9th September, 1963?
3. Are the workmen estopped from raising the demand under item No. 1 of the reference because of the awards and settlement mentioned in the aforesaid issue?
4. If reference with regard to item No. 2 is barred because of the award in reference 45 of 1961, are the workmen estopped from raising the said demand?
5. Whether the workers mentioned in the (list enclosed) who have been working for more than six months should be made permanent? If so, with what details and from which date?

6. Whether the grades of the workers whom list is enclosed in the reference should be given proper grades? If so, with what details and from which date?
7. Whether the suspension of Shri Jag Ram, F.F. man for the period from 8th March, 1967 to 11th March, 1967 was justified and in order? If not, to what relief is he entitled?

And the case was fixed for production of documents, which the management filed. Then the case was fixed for the evidence of the management. The parties obtained innumerable adjournments for one or the other reasons. Issues No. 2 and 4 had been decided by my learned predecessor as per his order dated 20th August, 1970. Issue No. 1 was settled by the parties and interim award was given by my learned predecessor dated 28th April, 1972, in terms of the settlement and term number 1 of the reference was disposed off. Dispute No. 2 was also settled by the parties regarding suspension of Shri Jag Ram. And interim award had been given by my learned predecessor.

3. Issue No. 1 was decided by my learned predecessor against the management,—*vide* separate order dated 24th January, 1973. The workmen thereafter examined Shri Daya Ram Oilman as WW-3 and Shri Madan Lal as WW-4. Shri Maku Ram as WW-5. Thereafter, innumerable adjournments were obtained by the parties on one or the other reasons. The workmen had moved an application for summoning a witness. Interrogatory had also been ordered by my learned predecessor. The witness was ordered to be summoned,—*vide* my separate order dated 14th July, 1977. Thereafter other union also moved for adding them party which were added as party. The workmen also examined Shri Patram as WW-6, Shri Jagdish Rai Bapla as WW-7, Shri Shankar Lal, Fitter as WW-8 and Shri Ram Sarup as WW-9. The workmen then closed their case. Thereafter the case was fixed for the evidence of the management. Again several times the case was adjourned. On majority occasions the management prayed for adjournment which was not objected to by the representative for the workmen whereas at other times the representative for the workmen prayed for adjournments which was not objected to by the management. In, this case the reference remained proceeding for a considerable long time. It would not be incorrect to mention that

both the parties have delayed the proceedings and one was consenting to the delay caused by the other. The reference was made in the year 1968 and more than 11 years have elapsed. After the passage of about 12 years, I do not think that any substance has remained in these proceedings. Conditions, circumstances and situations have changed much. So much so that the dispute has become nearly obsolete. On the last date of hearing some J.R. Bagla appeared for the workmen but the management did not appear. The management had also closed their case,— vide their statement made on 9th July, 1979. Thereafter several times the case was adjourned for arguments. On the last date i.e. 4th March, 1980, when one Shri J. R. Bagla appeared for the workmen and none appeared for the management. He was asked to address arguments but he stated that he did not want to argue.

4. Dispute No. 2 relates to the grades of workers named in the list. The list is dated 25th August, 1967.

5. It would be worthwhile to mention that in the Cement Industry, Arbitrators were appointed by the Central Government with the consent of the parties on a national scale. The learned Arbitrators have given their award. This is brought to my notice by publications in the Government of India Gazette. Workers were also parties to the National Arbitration reference. The National Arbitrators have also given their award. I have considered the evidence oral as well as documentary. I have also considered the report of the assessor. The assessor was appointed in the end of the year 1962 who gave his report after his appointment. The report is detailed one. The assessor has discussed the nature of work, categories, grades etc., and has given a thoughtful consideration to all these things. This reference was made in the year 1968 i.e. five years after the Assessor gave his report. Some workmen feeling aggrieved raised these demands. I have gone through whole of the file and have considered the demands from all angles of vision after giving it a thoughtful consideration. Moreover, the National Arbitrators have also given their award. In the year 1978-79 i.e. very recently the award of the National Arbitrators also might have solved several problems and must have met several demands. Now the question of fixing the workmen in proper grades can be reviewed in the light of the award of the National Arbitrators. But the evidence before

me proves that some workmen raising the demand should be placed in higher grades. The evidence before me leads me to find as follows :—

1. Shri Daya Ram, Oilman should be given "C" grade.
2. Oilman, Cira Pump Attendant and Separator Attendant should be placed in the higher grades next to the grade in which they are fixed at present. Shri Makhu Ram, Cira Pump Attendant should be fixed in "C" grade.
3. S/Shri Juthar, Ram Sarup and Shri Ram working on Sira Pump should be given higher grade next to the grade in which they are working. Shri Sher Singh should be placed in grade "B".
4. Shri Jagdish Rai Bagla, Chemist should also be placed in higher grade next to the grade in which he is working at present.
5. Shri Mata Din should be fixed in "B" grade.
6. Shri Hardwari and Brik Bhan should be fixed in "C" grade..
7. Shri Ram Sarup, Sira Pump Attendant should be given higher grade next to that in which he is working at present.
6. I, therefore, am of the opinion that a long period has elapsed since the Assessor gave his report. Circumstances, situations and conditions have changed much thereafter.
7. I, therefore, while answering the reference, give my award as follows :—
1. Shri Daya Ram, Oilman should be given "C" grade.
2. Oilman, Cira Pump Attendant and Separator Attendant should be placed in the higher grades next to the grade in which they are fixed at present. Shri Makhu Ram, Cira Pump Attendant should be fixed in "C" grade.
3. S/Shri Juthar, Ram Sarup and Shri Ram working on Sira Pump should be given higher grade next to the grade in which they are working. Shri Sher Singh should be placed in grade "B".
4. Shri Jagdish Rai Bagla, Chemist should also be placed in higher grade next to the grade in which he is working at present.
5. Shri Mata Din should be fixed in "B" grade.
6. Shri Hardwari and Brik Bhan should be fixed in "C" grade.

7. Shri Ram Sarup Sira, Pump Attendant should be given higher grade next to that in which he is working at present.

8. The parties shall implement the award of the National Tribunal in *toto*. If after the implementation, some dissatisfaction is caused to some of the workmen regarding implementation arised on the part of the management, due to non-consideration or erroneous consideration of the nature, responsibility and importance of the job, by which the workmen might have a genuine grievance for their higher grade they shall not be debarred from raising a fresh dispute, resulting from non-implementation, partly or as a whole, erroneous implementation of the award of the National Arbitrators.

Dated 28th March, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 298 dated 31st March, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

LIST :

1. Shri Balbir S/o Dabia, Helper.
2. Shri Budh Ram S/o Chuni Lal, Civil Mazdoor.
3. Shri Phool Singh S/o Bhima, Packer.
4. Shri Bhima S/o Mohar Singh, Packer.
5. Shri Om Parkash S/o Nathu Ram, Packer.
6. Shri Rattan S/o Gulzari.
7. Shri Ram Kumar S/o Challu Ram, Coal Mill.
8. Shri Dalip Singh S/o Bhagat Singh, Civil.
9. Shri Ram Chander S/o Shri Net Ram.
10. Shri Duli Chand S/o Har Gian, L. S. Dryer.
11. Shri Sohan S/o Khema, Coal Mill.
12. Shri Ran Mal S/o Garibe, Civil.
13. Shri Mai Lal, Blacksmith.
14. Shri Mahabir S/o Ganeshi, Helper.
15. Shri Mai Chand S/o Rama Nand, L. S. Dryer.
16. Shri Dhari S/o Teja, Helper.
17. Shri Balkrishan S/o Bhup Singh, S. Boy.

18. Shri Sheru S/o Krishan, Coal Mill.
19. Shri Shyam Lal S/o Chandra.
20. Shri Fateh S/o Chettan, Civil.
21. Shri Lal Chand S/o Nand Lal, Helper.
22. Shri Baba Singh S/o Bachatar Singh, Khalasi.
23. Shri Moti Ram S/o Ramji Lal.
24. Shri Umrao S/o Sohan.
25. Shri Mohar Singh S/o Ami Lal.
26. Shri Banshi S/o Nauhta, Coal Mill.

The 16th April, 1980.

No. 11(112)-80-3 Lab./5616.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M's Auto Pins (India) Regd., Plant-II, Faridabad :—

BEFORE SHRJ NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 129 of 1978

between

SHRI RAM PRIT, WORKMAN AND THE MANAGEMENT OF M/S. AUTO PINS (INDIA) REGD., PLANT-II, FARIDABAD.

Present :—

Shri P. K. De, for the workman.

Shri R. C. Sharma, for the management.

AWARD

1. By order No. ID/FD/26-N/17822, dated 10th May, 1978, the Governor of Haryana referred the following dispute between the management of M/s Auto Pins (India) Regd. Plant-II, Faridabad and its workman Shri Ram Prit, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Prit was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 2nd November, 1978:—

1. Whether the workman was a probationer ? If so to what effect ?

2. If issue No. 1 is decided against the management, whether the termination of services of the workman was justified and in order?

3. Relief.

And the case was fixed for the evidence of the management. The management examined Shri H. S. Sharma, their Time Keeper as MW-1 and Shri Dev Nath Ahuja, their Personnel Officer as MW-2 and closed their case. Then the case was fixed for the evidence of the workman who obtained several adjournments and examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments were heard. Now I give my finding issueswise:—

ISSUE No. 1

MW-1, stated that plant No. II was purchased by M/s Siracco Pressing Private Ltd. The new management took on their rolls those workmen only who were on rolls on 1st October, 1978 and did not accept any liability regarding those workmen who were out of the factory and not in the employment on 1st October, 1977. He proved Ex. M-1 the letter of appointment which bore the signatures of the workman as acceptance. He also proved Ex. M-2 and M-3. He also stated that the workman was on probation. MW-2 stated that plant No. II did not exist any more, as the same had been purchased by M/s Siracco Private Limited. He corroborated the statement of MW-1. WW-1 stated that the management removed him from service from 22nd January, 1978. He was a worker of the union and therefore, he was removed from service. Ex. M-2 is termination letter dated 23rd January, 1978. Ex. M-1 is the letter of appointment in which the workman is described as probationer appointed for six months. It is dated 21st July, 1977. Clause 2 of the appointment letter, i.e. terms and conditions of service, prescribed that the services of the workman can be terminated at any time during or at the end of the period without assigning any reason or notice. It has been accepted by the workman who has signed in token of his acceptance. Ex. M-3 is an extract from the Certified Standing Orders. Clause 3(b) (ii) prescribe that the services of a probationer could be terminated without assigning any reason or notice at any time during or at the end of the probation period. Moreover, it is a case where this plant does not exist. I decide issue No. 1 in favour of the management.

ISSUE No. 2

The evidence prove that the management could terminate the services of the workman at any time without assigning any reason or notice. Further that this plant does not exist any longer. I, decide issue No. 2 in favour of the management.

ISSUE No. 3

The workman is not entitled to any relief. As a result of my finding on the issues, I give my award that the termination of services of the workman concerned Shri Ram Prit was justified and in order. The workman is not entitled to any relief.

Dated 26th March, 1980.

NAHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 287, dated 31st March, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NAHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

The 17th April, 1980

No. 11(112)-80-3-Lab./5807.—In pursuance of the provision of section 17 of Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Hissar Textile Mills, Hissar.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 76 of 1976.

Between

THE WORKMEN AND THE MANAGEMENT OF M/S. HISSAR TEXTILE MILLS, HISSAR.

AWARD

1. By order No. ID/HSR/29-D/76/14122, dated 21st April, 1976, the Governor of Haryana, referred the following disputes between the management of M/s. Hissar

Textile Mills, Hissar and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether there has been any increase in the work-load since January, 1960? If so, to what relief the workmen are entitled?
2. Whether the wages rates of the workmen working in reeling, winding and frame departments should be increased since January, 1972? If so, with what details?
3. Whether 85 per cent of the workmen and also those workmen having 3 years continuous service should be made permanent? If so, with what details?
4. Whether the workmen should be granted earned leaves at the same rate as is being given to the mistries? If so, with what details?
5. Whether the demotion/suspension of Shri Nand Kishore Sharma, Kanwar Pal Singh and Nathu Ram, is justified and in order? If not, to what relief they are entitled?
6. Whether Shri Kanwar Pal Singh is entitled to full wages for the period of suspension from 9th October, 1973 to 12th October, 1973? If so, with what details?
7. Whether the contract system prevailing in the various departments of the factory, plantation and the building operations should be abolished? If so, with what details?
8. Whether the marriage fund applicable to mistries should be extended to the workmen of the factory? If so, with what details?
9. Whether the boiler attendant holding diploma should be paid the same wages, etc., as are being to such boiler attendants in other factories? If so, with what details?
10. Whether the workmen working in doubling department should

also be awarded prizes as is being given to the workers of ring department? If so, with what details?

11. Whether the following categories of workers are entitled to the seasonal uniforms boots etc.? If so, with what details:—
 1. Peeday Cleaners.
 2. Diesel Engine Workers.
 3. Sweeper Jamadars.
 4. Painters.
 5. Firemen.
 6. Com Collies Venders.
 7. Sewerage Men.
 8. Card Grinders.
 9. Mechanics.
 10. Electricians.
11. Workers working on Waste Plant.
12. Whether sweepers are entitled to the supply of four uniforms in a year? If so, with what details?
13. Whether the rates of wages of workers working in frame "C" should be the same as fixed for workers working on frame "B" from 1970? If so, with what details?
14. Whether a pump attendant and semi-duty attendant should be appointed for "C" Mills? If so, with what details?
15. Whether two "Bhandani" workmen on reeling/winding condition and four "Bhandani" workmen in electricity department should be appointed? If so, with what details?
16. Whether Tin Smith workers/helpers of the Chemical Section should be supplied seasonal uniforms, boots etc. If so, with what details?
2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings.

On the pleadings of the parties, following issues were framed on 1st September, 1976:—

1. Whether the demands in dispute giving rise to the reference have been properly espoused by requisite number of workmen ?
2. Whether the signatories of the notice of demands were duly authorised by the workmen to raise the demands leading to the reference ?
3. Whether the reference is legally barred and not maintainable for the preliminary objections taken in paragraphs 3:1 to 3:6, 4(a) to 4(e), 5(1), 5(2), 9(1), 10(1) 11(1), 12(1) 16(1) and 17(1) of the written statement?

And the case was fixed for the evidence of the workmen. The workmen examined Shri Rich Paul, Secretary, District Textile Workers Union and closed their case on preliminary issues No. 1 and 2. Then the case was fixed for the evidence of the management on the said issues. The management examined Shri Anil Kumar Gupta their Labour Office Clerk as MW-1, Shri N. K. Garg their Labour Officer as MW-2 and closed their case on the said issues. Arguments have been heard. Both the issues were decided by my separate order, dated 10th October, 1977 in favour of the workmen and the case was fixed for evidence of remaining issues. Thereafter the case was adjourned several times. Then the management examined Shri Gian Bhushan, Steno-Typist as MW-3. Again the case

was adjourned several times for one or the other reasons or on different grounds. Thereafter the management also examined their Law Officer Shri N. K. Garg as MW-4 and closed their case. Then the case was fixed for the evidence of the workmen. The workmen took more than a year but adduced no evidence. Lastly the representatives for the workmen stated that he had no instructions from the workmen. Neither the workman was present nor his evidence on the last date of hearing. Therefore, the case of the workman was closed. The representative for the management had closed his case. Arguments were heard. The workmen led no evidence in support of their demands. They did not prove any of their demands. The disputes raised by the workmen remained before me without any proof. In the circumstances, I give my award that the workmen are not entitled to any relief, or to any demand which forms subject matter of the dispute. Dated 26th March, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 297, dated 31st March, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

H. L. GUGNANI,
Secretary to Govt., Haryana,
Labour and Employment Department.

LABOUR AND EMPLOYMENT DEPARTMENTS

The 18th June, 1980

No. 10(272)-79-5-Lab.—In exercise of the powers conferred under section 88 of the E. S. I. Act, 1948, the Governor of Haryana is pleased to exempt the following Sale/Medical Representatives and employees posted in non-implemented area of M/s Yamuna Syndicate Ltd., Yamuna Nagar, from the operation of E. S. I. Act, 1948 (As amended).

Serial No.	Name of the employee	Place of posting	Period of exemption
1	S/Shri Prem Nath Tector	Shahabad	1st May, 1979 to 30th April, 1980
2.	Bansi Lal Kapoor	Do	Do

1	2	3	4
3.	Harish Chander Punj	Shahabad	1st May, 1979 to 30th April, 1980
4.	Darshan Singh	Do	1st July, 1979 to 30th June, 1980
5.	Fakir Chand	Do	1st May, 1979 to 30th April, 1980
6.	Amarjit Singh	Do	1st April, 1979 to 31st March, 1980
7.	Mohan Singh	Do	17th May, 1979 to 16th May, 1980
8.	Shashi Pal Singh	Do	1st January, 1980 to 31st December, 1980.

The above exemption is subject to the conditions mentioned below : —

1. The aforesaid factory/establishment wherein the employee employed shall maintain a register, showing the designation of the exempted employees;
2. Notwithstanding this exemption, the employees shall continue to receive such benefit under the said act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this Notification operates;
3. The contributions for the exempted period, if already paid, shall not be refunded;
4. The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said act (hereinafter referred to as the said period), and such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees State Insurance (General) Regulations, 1950;
5. Any Inspector appointed by the Corporation under sub-section (1) of Section 45 of the said act, or other official of the Corporation authorised in this behalf shall, for the purpose of: —
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period or;
 - (ii) ascertaining whether registers and records were maintained as required by the Employees State Insurance (General) Regulations, 1950 for the period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to;
 - (v) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such documents, books and other documents, relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant or any other person found in such factory, establishment, office or other premises, or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
- (d) Make copies of or take extracts from any register account book or other document maintained in such factory establishment office or other premises.

H. L. GUGNANI,
Secretary to Government, Haryana,
Labour and Employment Department.